



19 MAY 2009

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In re Application of :
WU et al. :
U.S. Application No.: 10/566,150 :
PCT No.: PCT/US04/24339 :
Int. Filing Date: 28 July 2004 : DECISION ON PETITION
Priority Date: 29 July 2003 :
Attorney Docket No.: 26505-526NATL :
For: PROCESS FOR THE SYNTHESIS OF BIARYL :
OXAZOLIDINONES :

In a decision mailed by this Office on 12 February 2009, applicants' petition to withdraw the holding of abandonment herein was dismissed without prejudice for failure to satisfy the requirements of a grantable petition. Specifically, applicants had not provided a statement that the docketing system is sufficiently reliable.

On 20 March 2009, applicants filed the renewed petition considered herein. The renewed petition includes: a statement that the Form PCT/DO/EO/905 was never received; explained that a search of the file jacket and application contents revealed that the Form PCT/DO/EO/905 had not been received; and included a copy of the relevant docket record (and a mail log). Further, applicants have provided a statement describing the firm's docketing system and that the docketing system is sufficiently reliable.

Applicants have now satisfied all the requirements for a grantable petition to withdraw the holding of abandonment based on applicants' failure to receive the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 25 February 2008.

The renewed petition for withdrawal of the holding of abandonment is GRANTED.

The Notification Of Abandonment (Form PCT/DO/909) mailed 07 November 2008, based as it was on applicants' failure to respond to a Notification Of Missing Requirements that applicants did not receive, is appropriately VACATED.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing

Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration along with the surcharge for filing the oath or declaration after the thirty-month period is required.

A handwritten signature in black ink, appearing to read 'Anthony Smith', with a stylized flourish extending from the end.

Anthony Smith
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